

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:12-CV-714-BO

**LOUSHONDA MYERS, ET AL.,**

**Plaintiffs,**

**v.**

**AT&T, INC., AT&T MOBILITY LLC,  
UNKNOWN AGENTS/EMPLOYEES OF  
AT&T, INC.,**

**Defendants.**

**MOTION TO DISMISS**

NOW COME Defendants AT&T Inc., AT&T Mobility LLC, and Unknown Agents/Employees of AT&T, Inc. and AT&T Mobility LLC (hereafter "Defendants"), by and through their undersigned counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Civil Rule 7.1, and hereby move this Court of an Order dismissing Plaintiffs' claims against Defendants for failure to state a claim upon which relief can be granted.

This the 26th day of August, 2014.

By: /s/ James R. Baker  
James R. Baker (NC Bar #38009)  
Kristie H. Farwell (NC Bar #31577)  
Hedrick Gardner Kincheloe & Garofalo, LLP  
4011 Westchase Boulevard, Suite 300  
Raleigh, NC 27607  
Phone: (919) 832-9424  
Fax: (919) 832-9425  
Email: [jbaker@hedrickgardner.com](mailto:jbaker@hedrickgardner.com)  
State Bar No. 38009

*Attorneys for Defendants AT&T Inc., AT&T Mobility LLC, and Unknown Agents/Employees of AT&T Inc. and AT&T Mobility LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that, on August 26, 2014, I electronically filed the foregoing MOTION TO DISMISS and, I hereby further certify that I served this document electronically pursuant to Local Civil Rule 5.1(b) upon all registered users of CM/ECF; and upon all other non-registered parties or attorneys pursuant to Rule 5 of the Federal Rules of Civil Procedure by depositing a copy in the care and custody of the United States Postal Service with proper postage affixed thereon this 4th day of August 2014, and addressed as follows:

SERVED VIA US MAIL UPON:

Loushonda Myers  
27 Wateree Trail  
Georgetown, South Carolina 29440

By: /s/ James R. Baker  
James R. Baker (NC Bar #38009)  
Kristie H. Farwell (NC Bar #31577)  
Hedrick Gardner Kincheloe & Garofalo, LLP  
4011 Westchase Boulevard, Suite 300  
Raleigh, NC 27607  
Phone: (919) 832-9424  
Fax: (919) 832-9425  
Email: [jbaker@hedrickgardner.com](mailto:jbaker@hedrickgardner.com)  
State Bar No. 38009

*Attorneys for Defendants AT&T Inc., AT&T Mobility LLC, and Unknown Agents/Employees of AT&T Inc. and AT&T Mobility LLC*